City of Frankston

Frankston, Texas

75763

ORDINANCE NO. 10-4A-77

AN ORDINANCE OF THE CITY OF FRANKSTON,TEXAS PROVIDING FOR THE CREATION OF A CORPORATION COURT,CREATING THE OFFICE OF JUDGE OF THE MUNICIPAL COURT,PROVIDING FOR THE TEMPORARY REPLACEMENT OF THE JUDGE OF THE MUNICIPAL COURT,REQUIRING AN OATH,FIXING DUTIES OF THE CORPORATION COURT JUDGE,REPEALING ORDINANCE NO. 68-1 INSOFAR AS IT NAMES THE MAYOR AS MUNICIPAL COURT JUDGE AND CITY SECRETARY AS COURT CLERK; PROVIDING SEVERABILITY CLAUSE;AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRANKSTON,TEXAS:

Section 1. There is hereby created the Municipal or Corporation Court of the City of Frankston. The municipal court shall have jurisdiction within the territorial limits of the City of Frankston in all criminal cases arising under the ordinances of the city and shall also have concurrent jurisdiction with any justice of the peace in any precinct in which the City of Frankston is situated in all criminal cases arising under the Criminal Laws of this State,in which punishment is by fine only,and where the maximum of such fine may not exceed two hundred dollars,and arising within such territorial limits.

Section 2. The Municipal court shall be presided over by a judge to be known as the "judge of the municipal court",which shall be filled by some suitable person who possesses all of the qualifications desired by the City Commission. Said judge shall be appointed by the City Commission and shall hold office for one year from June 1 to May 31 and until his successor is appointed and qualified.

Section 3. The Judge of the Municipal Court shall,before entering upon the duties of his office,take the oath of office prescribed by the State Constitution.

Section 4. While the Municipal Court judge is temporarily unable to act for any reason the City Commission may appoint a person meeting the qualifications for such position to sit for the regular municipal judge with like poweres and duties and shall recieve the same compensation as provided for the regular municipal judge.

Section 5. The Municipal court judge hear all cases arising under the ordinances of the City of Frankston and all cases arising under the criminal laws of this State,in which the punishment is by fine only, and where the maximum of such fine may not exceed two hundred dollars,and arising in the territorial limits of the City of Frankston.

Section 6. There shall be established the office of Court Clerk. The Clerk of the Municapal court shall have the duties as prescribed by law and shall be held by a person appointed by the City Commission who has qualifications for such position.

The Clerk of the Corporation Court may also be the Judge of the Court until such time as the City Commission may appoint some other person to that office.

Section 7. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and,upon conviction,shall be fined not more than two hundred dollars ($200.00)

Section 8. Ordinance No. 68-1 of the City of Frankston is hereby repealed insofar as it creates the Corporation Court of the City of Frankston with the judge to be the duly elected Mayor of the City and the Coporation Court Clerk to be the City Secretary.

Section 9. The fact that the City of Frankston does not have an ordinance properly creating and operating the Corporation Court nor a Corporation Court Judge creates an urgency and an emergency for the preservation of the public health,safety and welfare requires that this ordinance shall take effect immediately from and after its passage as the law in such cases provides.

DULY PASSED BY THE CITY COMMISSION OF THE CITY OF FRANKSTON TEXAS,on the 4th day of October,1977

SANT PERRY, JR.,MAYOR

ATTEST:

JAMIE JENNINGS, CITY SECRETARY

APPROVED AS TO FORM:

EMERSON STONE JR. CITY ATTORNEY

ORDINANCE NO. 68-1
CITY OF FRANKSTON

AN ORDINANCE CREATING THE CORPORATION COURT OF THE CITY OF FRANKSTON AND PROVIDING FOR ITS JUDGE AND CLERK TO BE THE DULY ELECTED MAYOR AND THE CITY CLERK RESPECTIVELY; CREATING THE OFFICE OF CITY MARSHAL; DECLARING AN EMERGENCY TO EXIST.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS, AS FOLLOWS:

SECTION 1. CORPORATION COURT

The Corporation Court of the City of Frankston is hereby established effective September 1, 1968, which shall have all jurisdiction that has been conferred upon corporation courts by the laws of the State of Texas.

SECTION 2. CORPORATION COURT JUDGES

The office of Corporation Court Judge is hereby established effective September 1, 1968, and is to be held by the duly elected Mayor of the City of Frankston, however in the event he is disqualified to act in any case, a temporary judge shall be appointed by the remaining members of the Council.

SECTION 3. CORPORATION COURT CLERK

The office of Corporation Court Clerk is hereby established effective September 1, 1968, and the person who holds the office of City Secretary of the City of Frankston is hereby

designated as the clerk of said court.

SECTION 4. CITY MARSHAL

The office of City Marshal is hereby established effective September 1, 1968, and he shall be paid such salary or fees as either the law allows or as the council sets by resolution.

SECTION 5. EMERGENCY CLAUSE

The City Council hereby declares an emergency to exist as a result of not having created the offices necessary to enforce its own ordinances and the laws of the State of Texas which it is required and/or has the right to enforce therefore the rule requiring ordinances to be read on these separate meetings is hereby suspended.

Passes and Approved this the 6th day of August, 1968.

R. E. PHILLIPS, MAYOR

ATTEST:

W. W. COLE, CITY SECRETARY

APPROVED AS TO FORM AND SUBSTANCE:

EMERSON STONE, JR., CITY ATTORNEY